

Case No. 2:08-ct-00021-D

UNOPPOSED MOTION TO DISMISS
DEFENDANT GEO GROUP, INC.

4. On March 10, 2010, Plaintiff Calland filed his Motion for Leave to File a Third Amended Complaint to Add Gregory Terrell as Party Plaintiff. The Motion alleged that Mr. Terrell is a current prisoner at Rivers who, like Plaintiff Calland, has suffered and continues to

suffer as a result of the medical conditions at Rivers. Mr. Terrell sought to bring the same claims and seek the same relief against GEO and the federal defendants as Plaintiff Calland in the Second Amended Complaint.

5. On September 29, 2010, the Court entered an order that dismissed the claims in Plaintiff Calland's Second Amended Complaint against GEO for failure to state a claim upon which relief can be granted for "the reasons stated in the court's November 9, 2009 order[.]"

6. The Court's September 29, 2010 Order also granted Plaintiff Calland leave to amend the complaint to add Mr. Terrell an additional plaintiff.

7. On October 25, 2010, Plaintiffs Calland and Terrell filed their Third Amended Complaint. The Third Amended Complaint contained the same factual allegations concerning GEO and causes of action against GEO as the Second Amended Complaint.

8. Plaintiffs do not oppose GEO's motion because they acknowledge that for the reasons stated in the Court's November 9, 2009 Order, the Court would also dismiss the claims in the Third Amended Complaint as to GEO. Plaintiffs Calland and Terrell included these claims against GEO in order to preserve their right to appeal the dismissal of their claims against GEO.

Wherefore, GEO requests the Court enter an order dismissing the Third Amended Complaint against GEO for the reasons stated in the Court's November 9, 2009 and preserving Plaintiffs' right to seek an appeal of the Court's Order upon entry of a final judgment adjudicating all the claims and all the parties' rights and liabilities.

Dated: November 29, 2010.

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company

By: /s/ Robert T. Numbers, II
JAMES R. MORGAN, JR.
(N.C. State Bar No. 12496)
ROBERT T. NUMBERS, II
(N.C. State Bar No. 34134)
One West Fourth Street
Winston-Salem, NC 27101
Phone: (336) 721-3600
Fax: (336) 721-3660
E-mail: jmorgan@wcsr.com
E-mail: rnumbers@wcsr.com
Attorneys for Defendant GEO Group, Inc.

CERTIFICATE OF SERVICE

This is to certify that on November 29, 2010, a copy of the foregoing was filed electronically with the Clerk of Court using CM/ECF system, with notice of case activity to be generated and sent electronically by the Clerk of Court to ALL COUNSEL OF RECORD.

WOMBLE CARLYLE SANDRIDGE & RICE
A Professional Limited Liability Company

By: /s/ Robert T. Numbers, II
ROBERT T. NUMBERS, II
(N.C. State Bar No. 34134)
One West Fourth Street
Winston-Salem, NC 27101
Phone: (336) 721-3600
Fax: (336) 721-3660
E-mail: rnumbers@wcsr.com
Attorneys for Defendant GEO Group, Inc.